

HOUSE BILL 1141

D3, F1

11r2750

By: ~~Delegate James~~ Delegates James, Glass, Impallaria, McComas, McDonough, Norman, Stifler, and Szeliga

Introduced and read first time: February 14, 2011

Assigned to: Rules and Executive Nominations

Re-referred to: Judiciary, February 28, 2011

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2011

CHAPTER _____

1 AN ACT concerning

2 ~~Juvenile Court Truancy Court Petition~~

3 Juvenile Law – Truancy Reduction Pilot Program – Filing of Petition

4 FOR the purpose of repealing a certain requirement that a certain criminal charge
5 against a certain person must be filed and dismissed or stetted before ~~filing an~~
6 authorized school official may file, if a child is under a certain age, a truancy
7 petition in certain judicial circuits that have established Truancy Reduction
8 Pilot Programs; ~~repealing certain requirements relating to criminal charges~~
9 ~~being filed against a certain person with legal custody of a child in certain~~
10 ~~jurisdictions that have established a Truancy Reduction Pilot Program; and~~
11 generally relating to a ~~petition filed in truancy court~~ a Truancy Reduction Pilot
12 Program.

13 BY repealing and reenacting, with amendments,
14 Article – Courts and Judicial Proceedings
15 Section 3–8C–04
16 Annotated Code of Maryland
17 (2006 Replacement Volume and 2010 Supplement)

18 ~~BY repealing and reenacting, without amendments,~~
19 ~~Article – Education~~
20 ~~Section 7–301(c)~~
21 ~~Annotated Code of Maryland~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~(2008 Replacement Volume and 2010 Supplement)~~

~~BY repealing~~

~~Article — Education~~

~~Section 7-301(e-1)~~

~~Annotated Code of Maryland~~

~~(2008 Replacement Volume and 2010 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

3–8C–04.

[(a)] An authorized school official may file with the juvenile court a petition alleging a violation of this subtitle.

[(b) If a child is under the age of 12 years, an authorized school official may file a petition under this subtitle only if:

(1) A criminal charge was filed under § 7–301 of the Education Article against the person with legal custody or care and control of the child at the time of the alleged violation; and

(2) The court dismissed or steted the charge in accordance with § 7–301(e–1) of the Education Article.]

~~**Article — Education**~~

~~7–301.~~

~~(c) (1) Any person who induces or attempts to induce a child to absent himself unlawfully from school or employs or harbors any child who is absent unlawfully from school while school is in session is guilty of a misdemeanor and on conviction is subject to a fine not to exceed \$500 or imprisonment not to exceed 30 days, or both.~~

~~(2) Any person who has legal custody or care and control of a child who is 5 years old or older and under 16 who fails to see that the child attends school or receives instruction under this section is guilty of a misdemeanor and:~~

~~(i) For a first conviction is subject to a fine not to exceed \$50 per day of unlawful absence or imprisonment not to exceed 10 days, or both; and~~

1 (ii) ~~For a second or subsequent conviction is subject to a fine not~~
2 ~~to exceed \$100 per day of unlawful absence or imprisonment not to exceed 30 days, or~~
3 ~~both.~~

4 (3) ~~As to any sentence imposed under this section, the court may~~
5 ~~suspend the fine or the prison sentence and establish terms and conditions which~~
6 ~~would promote the child's attendance. The suspension authority provided for in this~~
7 ~~subsection is in addition to and not in limitation of the suspension authority under §~~
8 ~~6-221 of the Criminal Procedure Article.~~

9 ~~[(c-1) (1) This subsection applies only:~~

10 (i) ~~In a county in which the circuit administrative judge has~~
11 ~~established a Truancy Reduction Pilot Program under § 3-8C-02 of the Courts Article;~~
12 ~~and~~

13 (ii) ~~To the extent that funds are provided in an annual State~~
14 ~~budget for a Truancy Reduction Pilot Program.~~

15 (2) ~~A charge under this section may be filed in the juvenile court and~~
16 ~~assigned to a truancy docket for disposition under Title 3, Subtitle 8C of the Courts~~
17 ~~Article.~~

18 (3) (i) ~~For a person with legal custody or care and control of a child~~
19 ~~at the time of an alleged violation of this section, it is an affirmative defense to a~~
20 ~~charge under this section that the person made reasonable and substantial efforts to~~
21 ~~see that the child attended school as required by law but was unable to cause the child~~
22 ~~to attend school.~~

23 (ii) ~~If the court finds the affirmative defense is valid, the court~~
24 ~~shall dismiss the charge under this section against the defendant.~~

25 (4) ~~The court may condition marking a charge under this section set~~
26 ~~on participation of the defendant in the appropriate Truancy Reduction Pilot Program~~
27 ~~under Title 3, Subtitle 8C of the Courts Article.]~~

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2011.